

DERRICK LAWAYNE DANIELS,
#259 419,

Plaintiff,

v.

LT. CLEMMONS, et al.,

Defendants.

LT. CLEMMONS, et al.,)
)
Defendants.)

Plaintiff, an inmate incarcerated at the Bullock Correctional Facility in Union Springs, Alabama, filed this 42 U.S.C. § 1983 action on March 1, 2021. Plaintiff filed an affidavit in support of a motion for leave to proceed *in forma pauperis*. The motion however did not include the required documentation from the inmate account clerk at the facility where Plaintiff is detained. The Court, therefore, did not have the information necessary to determine whether Plaintiff should be allowed to proceed *in forma pauperis* in this case and entered an Order on March 3, 2021, requiring Plaintiff to provide the Court with this information on or before March 17, 2021. Doc. 3 at 1-2. The Court specifically cautioned Plaintiff his failure to comply with the March 3 Order would result in a recommendation this case be dismissed. *Id.* at 2.

The requisite time has passed and Plaintiff has not complied with the Court’s March 3, 2021, Order. The Court, therefore, concludes this case is due to be dismissed. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that as a general rule, where a

litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.); *see also Tanner v. Neal*, 232 F. App'x. 924 (11th Cir. 2007) (affirming *sua sponte* dismissal without prejudice of inmate's § 1983 action for failure to file an amended complaint in compliance with court's prior order directing amendment and warning of consequences for failure to comply).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge this case be DISMISSED without prejudice for Plaintiff's failures to comply with the Order of the Court and prosecute this action.

Plaintiff may file an objection to the Recommendation **on or before April 27, 2021**. Any objection filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order and, therefore, it is not appealable.

Failure to file a written objection to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, this 13th day of April 2021.

/s/ Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE